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Massachusetts (Colo-ry) Laws
Statute Book

THE
COLONIAL LAWS
OF
MASSACHUSETTS.

REPRINTED FROM THE EDITION OF 1672,
WITH THE SUPPLEMENTS THROUGH 1686.

Published by Order of the City Council of Boston,

UNDER THE SUPERVISION OF WILLIAM H. WHITMORE,
RECORD COMMISSIONER.

CONTAINING A NEW AND COMPLETE INDEX.



BOSTON:
1887.

Powder.

125

and Chattel as shall be found in any Corn-field or other inclosure.

And whosoever Impounds any Swine or Chattel, shall give present notice to the Owner if he be known, or otherwise they shall be cryed at the two next Lectures or Markets; And if Swine or Chattel escape out of Pound, the Owner if known, shall pay all damages according to Law.

A. 57. p. 24

And every person or persons having notice given them, or otherwise left in writing at their House or place of their usual abode, of any of their Chattel Impounded or otherways Restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevie their Chattel, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Chattel by standing in the Pound or other lawful place of Restraint. [1645, 47, 57.]

Cattle impounded to be replevied or damage satisfied

2. And if any person shall resist or rescue any Chattel going to Pound, or shall by any way or means convey them out of Pound or other Custody of the Law, whereby the party wronged may lose his damages, and the Law be deluded, that in case of meer rescues, the party so offending shall forfeit to the Treasury *forty shillings*.

Rescues and Pound breach

Fine or

And in case of Pound breach *five pounds*, and shall also pay all damages to the party wronged, and if in the rescues any bodily harm be done to the person of any Man or other Creature, they may have remedy against the Rescuers; And if either be done by any not of ability to answer the forfeiture and damages aforesaid, they shall be openly Whipped by Warrant from any Magistrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty stripes* for the meer Rescue or Pound breach; And for all damages to the party, they shall satisfy by service, as in case of Theft.

be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abettors therein, they shall pay forfeiture and damages as if themselves had done it. [1647.]

P O W D E R.

VV Hereas by favour of the Government in England, several quantities of Powder and other Ammunition are yearly Imported into this Jurisdiction for our necessary use and defence; To the end the favour we receive may not be Abused, nor our selves Deprived of the just and necessary use thereof;

A. 52. p. 3.

It is hereby Ordered and Enacted; That all Merchants or others, that shall import into this Jurisdiction either Powder, Lead, Bullets Shot, or any Ammunition whatsoever, shall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of such Goods, who is hereby enjoined to take particular notice of the same, with the Mark and Number, and faithfully to enter the same in a Book, and the Names of the Persons to whom they are sold, or into whose Custody or

Powder imported to be Enterd with the publick Notary

F f

power

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the said Notary is hereby prohibited, upon the penalty of one hundred pounds, to grant Certificate to any Merchant or other of any such Goods but such as he shall have particular notice of, and entred as aforesaid.

And to the end this Order may be duly observed, and that no person may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Castle shall upon the arrival of any Ship or Vessel in the Massachusetts Bay, from any forraign parts, give notice of the contents of this Order, to the Master or Merchant of any such Vessels, and the Constables of all other Port-Towns in this Jurisdiction, are hereby required to do the same. [1651.]

L. 1. p. 45.

2. And it is further Ordered; That no person (except for the defence of themselves and their Vessels at Sea) shall transport any Gunpowder out of this Jurisdiction, without license first obtained from some two of the Magistrates, upon penalty of forfeiting all such Powder as shall be transporting or transported, or the value thereof.

And that there may be no default for want of an Officer to take care herein;

Searchers for powder exporting

This Court, the Court of Assistants, or any Shire Court, shall appoint meet persons, from time to time in all needful places, who have hereby power granted them, to search all Persons and Vessels that are or any way shall be suspicious to them to be breakers of this Order, and what they finde in any Vessel or Hands, without license as aforesaid, to seize the same, and to keep the one half to their own use in recompence of their pains, and to deliver the other half forthwith to the Treasurer. [1645, 51.]

Prescriptions.

It is Ordered, Decreed, and by this Court Declared; That no Customs or Prescription shall ever prevail amongst us in any Moral case, (our meaning is) to maintain any thing that can be proved to be Morally sinful by the Word of God. [1671.]

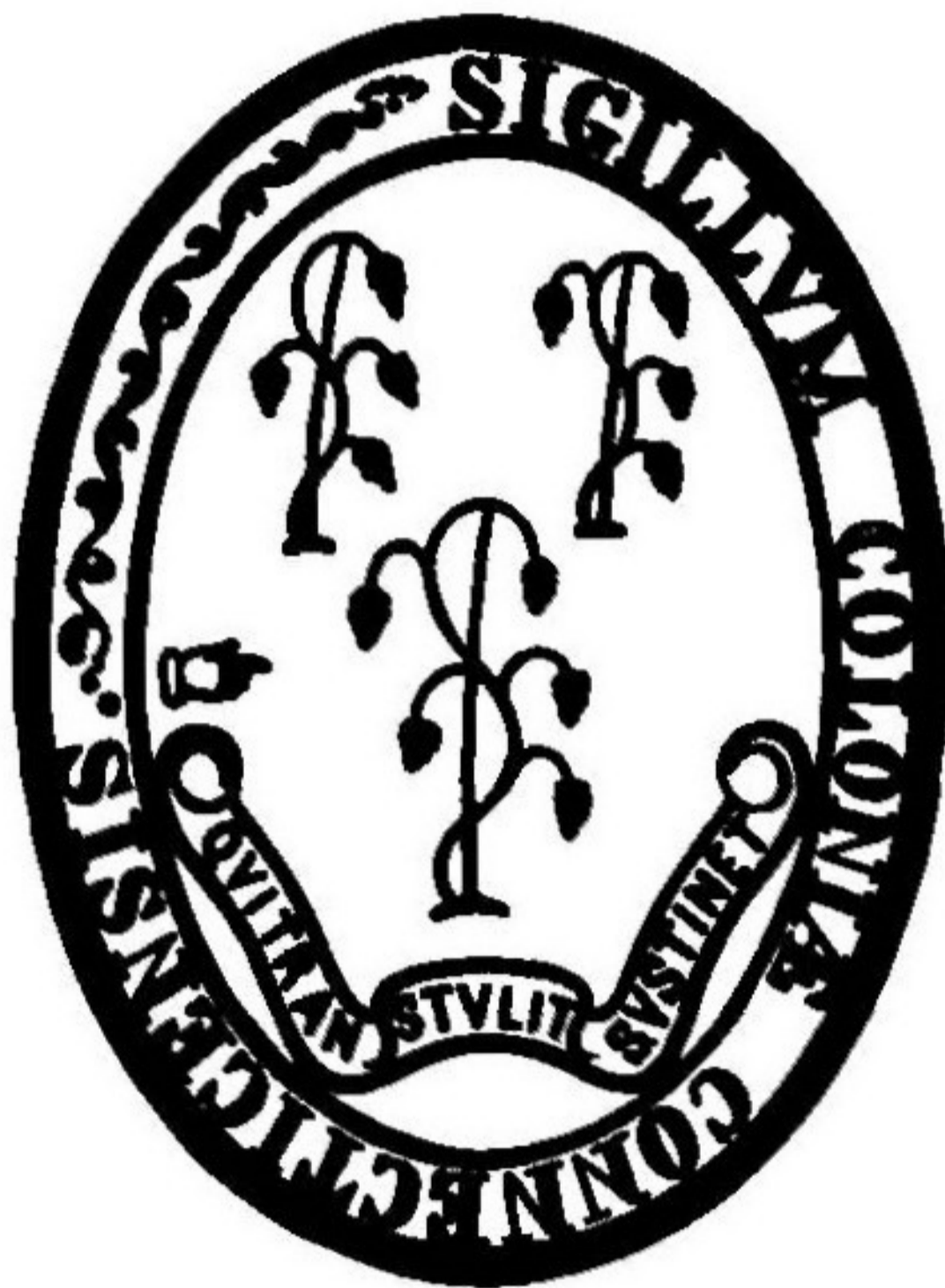
Prisoners, Prison, House of Correction.

Prisoners carried at their own charge

It is Ordered; That such Malefactors as are committed to any common Prison, shall be conveyed thither at their own charge if they be able, otherwise at the charge of the Country. [1646.]

[2. For

**THE
PUBLIC RECORDS
OF THE
COLONY OF CONNECTICUT,
From May, 1775, to June, 1776, inclusive,
WITH THE JOURNAL OF THE COUNCIL OF SAFETY FROM JUNE 7, 1775,
TO OCTOBER 2, 1776,
AND
AN APPENDIX CONTAINING SOME COUNCIL PROCEEDINGS, 1663-1710.**



**TRANSCRIBED AND EDITED IN ACCORDANCE WITH A RESOLUTION OF
THE GENERAL ASSEMBLY,**

**BY CHARLES J. HOADLY, LL.D.,
STATE LIBRARIAN.**

[Vol. XV]

**HARTFORD:
PRESS OF THE CASE, LOCKWOOD & BRAINARD COMPANY.
1890.**

And it is further provided, That the provisions of this act shall not extend to include or affect the 24th regiment of militia in this Colony.

[526] **An Act for encouraging the Manufactures of Salt Petre and Gun Powder.**

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be given and paid out of the Colony treasury a premium or bounty of ten pounds for every hundred pounds weight of good and merchantable salt petre or nitre that shall be made and manufactured in this Colony between the first day of June 1776 and the first day of January 1777, and so in proportion for a greater or lesser quantity: Always provided, That in case any proprietor of salt petre works or manufacturer of salt petre shall, upon application and request made to him by any person or persons, neglect or refuse to communicate a full account of the materials out of which and the process by which such salt petre or nitre is made, such proprietor or manufacturer shall not be entitled to have or receive the aforesaid bounty or premium for any salt petre or nitre he shall make; anything herein contained notwithstanding.

Be it further enacted, That a suitable number of inspectors of salt petre or nitre be appointed by the General Assembly, and that the claimants of the premium or bounty given by this or any former act for the manufacture of salt petre or nitre shall procure the salt petre or nitre by them made to be inspected by one or more of said inspectors, and shall also make oath before such inspector, which oath such inspector is hereby enabled to administer, that such salt petre or nitre was made and manufactured in this Colony out of materials collected therein by him or them, or for his or their account, and that no other certificate hath been had or given for the same; and thereupon said inspector shall give to the claimant or claimants a certificate of the quantity and quality of such salt petre or nitre, and that proof hath been made as aforesaid that the same was manufactured in this Colony by such claimant or claimants; which certificate

1775.]

OF CONNECTICUT.

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being laid before the Committee of the Pay-Table, they shall draw an order on the Colony Treasurer to pay such claimant or claimants the amount of the aforesaid bounty or premium on such nitre or salt petre out of the Colony treasury and charge the same to the Colony's account, who shall accept and pay such order accordingly.

Be it also enacted, That every town in this Colony, which hath and doth send Representatives to the General Assembly, in which salt petre or nitre works are not or shall not be erected and the manufacture of salt petre is not or shall not be carried on by some private person or persons, shall be and are hereby enjoined as soon as may be to erect one set of such works and carry on the manufacture of nitre or salt petre in the same; and that it shall be the duty of the selectmen of each town in this Colony, and they are hereby authorized and enjoined, at the expence and for the benefit of said town, to cause such works to be erected and said manufacture to be carried on in the same accordingly.

Be it also enacted, That no salt petre, nitre or gun-powder made and manufactured, or that shall be made and manufactured in this Colony, shall be exported out of the same by land or water without the licence of the General Assembly or his Honor the Governor and Committee of Safety, under the penalty of twenty pounds for every hundred weight of such salt petre, nitre or gun-powder, and proportionably for a greater or lesser quantity so without licence exported; to be recovered by bill, plaint or information, in any court of record in this Colony by law proper to take cognizance thereof.

And whereas it is necessary that two powder-mills be immediately erected in this Colony for manufacturing gun-powder,

Be it further enacted by the authority aforesaid, That a bounty or premium of thirty pounds shall be paid out of the Colony treasury to the person or persons who shall erect the first powder-mill in this Colony, and shall make and manufacture therein five hundred pounds weight of good and merchantable gun-powder; also that a bounty or premium

of thirty pounds shall be paid out of the Colony treasury to the person or persons who shall erect the second powder-mill in this Colony and make or manufacture therein five hundred pounds weight of good and merchantable gun-powder.

Be it further enacted, That the inspector or inspectors who shall inspect and give a certificate for any quantity of salt petre, as before directed, shall purchase and receive such salt petre for the Colony's use and benefit, and give his or their receipt therefor to the claimant or claimants, who shall be paid therefor out of the Colony treasury at such price as the General Assembly shall ascertain and affix.

And whereas it is expedient that powder-mills should be so situated as to accommodate the public in the best manner,

Be it further enacted by the authority aforesaid, That no powder-mill shall be erected in this Colony for the manufacture of gun-powder without the licence of the General Assembly, or in their recess of the Governor and Council, first had and obtained, under the penalty of thirty pounds for every such offence; to be recovered as the other foregoing penalties in this act are above directed to be recovered.

An Act for restraining and punishing Persons who are inimical to the Liberties of this and the Rest of the United Colonies, and for directing Proceedings therein.

[527] *Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same,* That if any person within this Colony shall directly or indirectly supply the ministerial army or navy with provisions, military or naval stores, or shall give any intelligence to the officers, soldiers or mariners belonging to said army or navy, or shall enlist or procure any others to enlist into the service of said army or navy, or shall take up arms against this or either of the United Colonies, or shall undertake to pilot any of the vessels belonging to said navy, or in any other ways shall aid or assist them, and be thereof duly convicted before the superior court, shall forfeit all his estate, which shall be accordingly seized by order of said court for the use of this Colony; and such person shall be further punished by imprisonment in any of the goals in this Colony

Hoadly, Charles J. The Public Records Of The Colony Of Connecticut. Vol. 15, Case, Lockwood & Brainard Company., 1890. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103975079/MMLP?u=wash50473&sid=ebsco&pg=194. Accessed 16 Nov. 2023.



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Justices to
tender the
Oaths of Ab-
juration and
Allegiance to
suspected
Persons.

4. AND BE IT ENACTED *by the Authority aforesaid*, That any two Justices of the Peace shall, and they hereby are empowered and directed to convene by Summons or Warrant any Person whatsoever, whom they shall suspect to be dangerous or disaffected to the present Government, and to tender and administer to him the Oaths of Abjuration and Allegiance, set forth in an Act, entitled, *An Act for the Security of the Government of New-Jersey*, passed the nineteenth of September One Thousand Seven Hundred and Seventy-six. And if any Person, to whom the said Oath shall be tendered, shall neglect or refuse to take the same, the said Justices shall bind him over with sufficient Sureties, to appear at the next Court of General Quarter-Sessions of the Peace, and to be in the mean-while of good Behaviour; and in Default of sufficient Sureties, or on Refusal to be bound, the said Justices are hereby empowered and directed to commit such Offender to close Gaol, and certify the same, with the Cause of Commitment, under their Hands and Seals, to the next Court of General Quarter-Sessions of the Peace, where, if such Offender refuse to take the said Oaths, he shall continue bound to his good Behaviour, or be fined, or imprisoned, as the said Court shall deem necessary.

Passed at Princeton, October 4, 1776.

C H A P. VI.

An A C T for the Inspection of Gun-Powder.

Preamble.

WHEREAS the vending of damaged or bad Gun-Powder within this State, especially in the Time of War, may be of the most dangerous Consequence;

No Gun-Pow-
der to be sold
without In-
spection, &c.

Penalty.

Secl. I. BE IT THEREFORE ENACTED *by the Council and General Assembly of this State*, and it is hereby Enacted *by the Authority of the same*, That any Person who, from and after the Publication of this Act, shall offer any Gun-Powder for Sale, without being previously inspected and marked as is herein after directed, shall forfeit, for every such Offence, the Sum of *Five Shillings* a Pound for every Pound weight so offered for Sale, and so in Proportion for greater or lesser Quantity; to be recovered in any Court where the same may be cognizable, and applied the one Half to the Person who shall prosecute therefor, and the other Half to be paid to the Treasurer for the Use of the State.

Inspectors ;

their Duty,

2. That *Jacob Zabriskie* of Bergen County, *Jonathan Sears* of Essex, *Samuel H. Sullivan* of Middlesex, *Kenneth Henkinson* and *Jacob Cook* of Monmouth, *Abraham Staats* of Somerset, *Samuel Day* and *Daniel Lindfly* of Morris, *William Perine* of Sussex, *David Cowell* of Hunterdon, *Josiah Foster* and *John Leek* of Burlington, *Joseph Hugg*, *John Somers* and *Thomas Clark* of Gloucester, *Curtis Trenchard* of Salem, *Enos Seeley* of Cumberland, and *Joseph Ludley* and *Abraham Bennet* of Cape-May, be, and they hereby are appointed Inspectors of Gun-Powder; who are directed to pass or mark no Gun-Powder but such as is good as to its Quickness in Firing, Strength, Dryness, and other Qualities; and who, before they

WILLIAM LIVINGSTON, Esquire, GOVERNOR.

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they do any Thing in the Execution of their Office, shall severally take, before any Justice of the Peace for the County in which they reside, the following Oath or Affirmation, *I A B will well and truly execute the Office of Inspector of Gun-Powder for this State, according to the best of my Skill and Understanding, and agreeable to the Directions of an Act, entitled, An Act for the Inspection of Gun-Powder.* ^{and Qualification.}

3. That every Inspector shall mark each Cask of Gun-Powder, by him approved, with the Letters S N I, and such other Marks as are necessary to distinguish the several Sorts of Gun-Powder. ^{Inspector to mark.}

4. That every Maker of Gun-Powder shall pack his Powder in dry well-seasoned Casks, and mark every Cask in which he shall pack the same with the initial Letters of his Name. ^{Maker to pack, &c.}

5. That every Inspector who shall neglect or refuse to do any of the Duties enjoined by this Act, shall forfeit for each Offence the Sum of *Five Pounds*, to be recovered and applied in like Manner and Form as the Fines and Penalties herein before-mentioned. ^{Penalty.}

6. That every Inspector shall be allowed the one Eighth Part of a Dollar for every Hundred Weight of Gun-Powder he shall examine, to be paid by the Owner of said Powder; provided, that no Inspector shall be obliged to ride more than ten Miles to inspect any Quantity of Gun-Powder less than one Thousand Weight, without being allowed by the Owner thereof the Sum of *Three-pence* a Mile for going, and *Three-pence* a Mile for returning, over and above the Fees of Inspection allowed by this Act. PROVIDED ALSO, That Powder inspected by Order of the Continental Congress, or by any Person legally authorized for that Purpose, in any of the neighbouring States, shall be subject to Inspection by Virtue of this Act, any Thing herein to the contrary notwithstanding. ^{Inspector's Wages.}

7. That in case of the Death, Removal, Disability or Resignation of any Inspector, the Court of General Quarter-Sessions of the County where the same shall happen, are hereby authorized to appoint an Inspector to supply such Vacancy, who shall take the Oath or Affirmation, perform the Duty, and be subject to the Forfeitures in and by this Act prescribed. ^{Inspector dying, &c. who to appoint another.}

Passed at Princeton, October 4, 1776.

C H A P. VII.

An ACT for establishing a Court of Admiralty and Custom-Houses within the State of New-Jersey.

SECT. I. **B**E IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Consent of the Council, any
E three

THE
GENERAL LAWS

OF

Massachusetts,

FROM THE ADOPTION OF THE CONSTITUTION,

TO FEBRUARY, 1822.

WITH THE

CONSTITUTIONS

OF THE

United States and of this Commonwealth,

TOGETHER WITH

THEIR RESPECTIVE AMENDMENTS, PREFIXED.

REVISED AND PUBLISHED, BY

AUTHORITY OF THE LEGISLATURE,

IN CONFORMITY WITH A RESOLUTION PASSED

22d. FEBRUARY, 1822.

By ASAHEL STEARNS & LEMUEL SHAW, ESQUIRES,

COMMISSIONERS.

THERON METCALF, ESQ. EDITOR.

IN TWO VOLUMES.

.....
VOL. II.
.....

BOSTON :

PUBLISHED BY WELLS & LILLY AND CUMMINGS & HILLIARD.

.....
1823.

with the advice of the Council, is hereby authorized to make. And the gaoler so appointed shall give such bonds and in the same manner, as is required of a sheriff, for the faithful performance of the duties of his office, and shall continue in office during the vacancy in the office of sheriff.

Defaults of deputies, &c. after death, &c. of sheriff.

Proviso.

SECT. 2. *Be it further enacted*, That the defaults or misfeasances in office, of any gaoler, or deputy-sheriff, after the death or resignation of any sheriff, by whom he was appointed, shall be adjudged a breach of the condition of the bond given by such sheriff: *Provided, however*, that this act shall not be construed to make any surety, in any such bond, which has heretofore been given by such sheriff, liable to any suit which could not heretofore be legally prosecuted against him.

And, whereas doubts have arisen respecting the authority and duty of deputy-sheriffs to execute such precepts as may be in their hands at the time of the accruing of a vacancy in the office of sheriff in certain cases: Therefore,

Deputy sheriffs to serve precepts in their hands at the time a vacancy happens in the office of sheriff.

SECT. 3. *Be it further enacted*, That in every case of a vacancy in the office of sheriff in any county, by death, resignation, removal, or otherwise, every deputy sheriff, in office under such sheriff, having any writ or precept in his hands, at the time of such vacancy, shall have the same authority, and shall be under the same obligation to serve, execute, and return such writ or precept, as if such sheriff had continued in office. [*Feb.* 24, 1809.] Further add. acts—1811 ch. 102: 1813 ch. 189: 1822 ch. 20.

Chap. 47.

An ACT to incorporate certain persons as Trustees, to improve and manage a Fund towards the support of Schools, in the north westerly parish in the town of Boxford. [*Feb.* 27, 1809.]

Chap. 48.

An ACT to incorporate sundry persons into a Company, by the name of The Boylston Market Association. [*Feb.* 27, 1809.]

Chap. 49.

1307 ch. 93.

An ACT confirming the laying out the road of the Housatonic Turnpike Corporation, at and near the line of the State of New-York. [*Feb.* 27, 1809.]

Chap. 50.

An ACT to incorporate Benjamin Dearborn and others into a Society by the name and style of The Massachusetts Association for the encouragement of useful inventions. [*Feb.* 27, 1809.]

Chap. 51.

An ACT to incorporate Rufus Pierce and others, for certain purposes. [*Feb.* 27, 1809.]

Chap. 52.

An ACT providing for the appointment of Inspectors, and regulating the manufactory of Gun-Powder.

Governor to appoint inspectors of gunpowder.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this Commonwealth, and at such other places, as may by him be thought necessary; and his Excellency the Governor, by and with the advice of Council, is hereby further authorized and empowered to remove said inspectors, or any of them at pleasure, and may by new appointments from time to time fill any vacancy, or vacancies which may happen.

SECT. 2. *Be it further enacted*, That from and after the first day of July next, all gunpowder which shall be manufactured within this Commonwealth shall be composed of the following proportions, and quality of materials, that is, every one hundred parts of gunpowder, shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared, and made into coal, after being stripped of its bark, ten parts of pure sulphur, and seventy-six parts of purified nitre.

Materials of which gunpowder shall be composed.

SECT. 3. *Be it further enacted*, That it shall be the duty of each of said inspectors to inspect, examine and prove all gunpowder, which after the first day of July next, shall be deposited at any public powder magazine, or manufactured in this Commonwealth, before the same shall be removed from the manufactory, or received into such public powder magazine, and if upon such inspection and examination it shall appear to the inspector, that such gunpowder is well manufactured, and composed of pure materials, and of the proper proportions of materials, and such gunpowder shall be of the proof herein after mentioned, the inspector shall mark each cask, containing gunpowder by him inspected, examined and proved as aforesaid, with the words Massachusetts Inspected Proof, and with his christian and surname, and shall also mark in figures upon each cask the quantity of powder contained therein, and the year in which the inspection is made.

Duty of inspectors.

Casks to be marked.

SECT. 4. *Be it further enacted*, That no gunpowder within this Commonwealth shall be considered to be of proof unless one ounce thereof, placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty-five degrees with the horizon, will, upon being fired, throw a twelve pound shot seventy-five yards at the least.

Proof of powder.

SECT. 5. *Be it further enacted*, That whenever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this Commonwealth, which is not well manufactured, or which is composed of impure materials, or of an improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector in such case shall mark each cask containing such impure, ill manufactured or deficient gunpowder, with the word "Condemned" on both heads of the cask, and with the same word on the side thereof, with the christian and surname of the inspector on one head of the cask.

Casks of bad powder to be marked.

SECT. 6. *Be it further enacted*, That if any person shall knowingly sell any condemned gunpowder, as and for good gunpowder, or shall fraudulently alter, or deface any mark, or marks, placed by any inspector upon any cask or casks containing gunpowder, or shall fraudulently put any gunpowder, which shall not have been inspected, or which has been condemned, into any cask or casks, which shall have been marked by any inspector, agreeably to the provisions contained in the

Penalty for selling condemned powder for good, and for altering marks on casks, &c.

third section of this Act, every such person so offending shall forfeit and pay not less than two hundred, nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt in any court of competent jurisdiction, one half to the use of the Commonwealth, the other half to the use of him or them, who shall sue and prosecute for the same.

Inspector to be sworn.

SECT. 7. *Be it further enacted*, That each inspector who may be appointed by virtue of this Act, shall, before he acts as inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gunpowder by him examined, inspected and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gunpowder.

His fees.

Powder not to be sold or exported, before inspection.

SECT. 8. *Be it further enacted*, That if any manufacturer of gun powder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export, or cause to be exported without the limits of this Commonwealth, any powder of his manufacture, before the same has been inspected and marked agreeably to the provisions of this Act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this Act.

Forfeiture for knowingly selling, &c. bad powder.

SECT. 9. *Be it further enacted*, That if any person within this Commonwealth, after the first day of July next shall knowingly sell, expose, or offer for sale within this Commonwealth any gunpowder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars, nor more than fifty dollars, for each and every offence, to be recovered in the manner provided in the sixth section of this Act. [March 1, 1809.] Add. acts—1809 ch. 113 : 1810 ch. 73.

Chap. 53.

An ACT authorizing the several Courts of Common Pleas in this Commonwealth, to allow accounts, and order payment, for services and expenses incident to said courts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several Courts of Common Pleas in this Commonwealth be, and they are hereby authorized and empowered to receive, examine, and allow the accounts, and order payment out of the treasury of their respective counties for services and expenses incident to said courts, any law to the contrary notwithstanding. [March 1, 1809.] Power transferred to the Circuit Courts—1811 ch. 33 : and thence to the Court of Common Pleas for the Commonwealth—1820 ch. 79.

Chap. 54.
1803 ch. 146.

An ACT in addition to an Act, entitled, "An Act establishing the Hartford and Dedham Turnpike Corporation." [March 1, 1809.] Further add. act—1812 ch. 91.

Chap. 55.

An ACT to incorporate a Religious Society in the Second Parish in Shapleigh. [March 1, 1809.]

Chap. 56.

An ACT to incorporate a number of the inhabitants of the Town of Parsonsfield, in the County of York, into a Religious Society, by the name of The First Baptist Society in Parsonsfield. [March 1, 1809.]



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APA 7th ed.

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AGLC 4th ed.

Laws of the State of New-Hampshire; with the Constitutions of the United States and of the State Prefixed (Isaac Long, Jr., 1830)

MLA 9th ed.

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said magazine, all the gun-powder by him so brought as aforesaid; and if he shall neglect so to do, he shall pay a fine of thirty pounds, for the use of the poor of said Portsmouth, to be recovered by said overseers in manner aforesaid.

Keeper of
magazine to
be chosen.

SECT. 3. *And be it further enacted*, That there shall be chosen annually, or oftener if necessity require, by the inhabitants of said Portsmouth, being legal voters, a keeper of said magazine, whose duty it shall be to receive into and deliver out of said magazine, all the powder so deposited, and to account therefor, who shall have a right to demand and receive for his time and trouble in attending on said business, at the rate of one shilling per hundred weight, for all quantities of powder above ten pounds, that he shall so receive into, and deliver out of said magazine; and for all quantities under ten pounds, at the rate of a half penny per pound.

SECT. 4. *And be it further enacted*, That no person shall transport or carry through the compact part of the town of Portsmouth, more than ten pounds of gun-powder at any time without the same is in a close carriage, or is sufficiently covered, on penalty of forfeiting the sum of one dollar for each offence, to be recovered and applied in the same manner as is herein before directed.

SECT. 5. *And be it further enacted*, That the act to prevent the keeping large quantities of gun-powder in private houses in Portsmouth, passed the twenty-eighth day of February, one thousand seven hundred and eighty-six, be, and hereby is repealed.

Approved February 18, 1794.

CHAPTER II.

Passed June
21, 1820.

AN ACT to provide for the appointment of inspectors and regulating the manufactory of gunpowder.

Inspectors of
gunpowder to
be appointed.

SECT. 1. **B**E it enacted by the senate and house of representatives, in general court convened, That his excellency the governor by and with the advice of council, be, and he is hereby authorized to appoint an inspector of gunpowder for every public powder magazine, and at every manufactory of gunpowder in this state, and at such other places as may by him be thought necessary; and his excellency the governor by and with the advice of council is hereby further authorized and empowered to remove said inspectors or any of them at pleasure, and may by new appointments from time to time fill any vacancy or vacancies which may happen.

Inspectors of Gunpowder.

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SECT. 2. *And be it further enacted*, That from and after the first day of July next, all gunpowder which shall be manufactured within this state, shall be composed of the following proportions and quality of materials, that is, every one hundred parts of gunpowder shall be composed of fourteen parts of fresh burnt coal, made from wood which forms the least ashes, and which has been carefully and well prepared and made into coal, after being stripped of its bark ; ten parts of pure sulphur, and seventy-six parts of purified nitre.

Proportion and quality of materials for the manufacture of gunpowder.

SECT. 3. *And be it further enacted*, That it shall be the duty of each of said inspectors to inspect, examine and prove all gunpowder which after the first day of July next shall be deposited at any public powder magazine, or manufactory in this state, before the same shall be removed from the manufactory or received into such public powder magazine, and if upon inspection and examination it shall appear to the inspector that such gunpowder is well manufactured and composed of pure materials, and such gunpowder shall be of the proof hereinafter mentioned, the inspector shall mark each cask containing gunpowder by him inspected, examined, and proved as aforesaid, with the words "*New-Hampshire inspected proof*," and with his christian and surname, and shall also in figures mark upon each cask the quantity of powder contained therein, and the year in which the inspection is made.

Duty of inspectors.

SECT. 4. *And be it further enacted*, That no gunpowder within this state shall be considered to be of proof unless one ounce thereof, placed in the chamber of a four and an half inch howitzer, with the howitzer elevated so as to form an angle of forty-five degrees with the horizon, will, upon being fired, throw a twelve pound shot seventy-five yards at the least.

Proof of quality of gunpowder.

SECT. 5. *And be it further enacted*, That whenever any of said inspectors shall discover any gunpowder, deposited at any public powder magazine, or any other place within this state, which is not well manufactured, or which is composed of impure materials, or of any improper proportion of materials, and which shall not be of the proof herein before mentioned, the inspector, in such case, shall mark each cask containing such impure, ill-manufactured, or deficient gun-powder, with the word "*Condemned*," on both heads of the cask, and with the same words on the side thereof, with the christian and surname of the inspector on one head of the cask.

Inspectors to mark bad powder.

SECT. 6. *And be it further enacted*, That if any person shall knowingly sell any condemned gunpowder, or shall fraudulently alter or deface any mark or marks, placed by any inspector upon any cask or casks containing gunpowder, or shall fraudulently put any gunpowder, which shall not have been inspected, or which has been condemned,

Penalty for selling condemned powder.

Inspectors of Gunpowder.

into any cask or casks, which shall have been marked by any inspector agreeably to the provisions contained in the third section of this act, every such person, so offending, shall forfeit and pay not less than two hundred nor more than five hundred dollars, for each and every offence, to be recovered in an action of debt, in any court of competent jurisdiction, one half thereof to the use of the state, the other to the use of him or them who shall sue and prosecute for the same.

Inspector's
fees and oath
of office.

SECT. 7. *And be it further enacted*, That each inspector who may be appointed by virtue of this act, shall, before he acts as inspector, be sworn to the faithful and impartial discharge of the duties of his office, and each inspector shall be allowed one cent for each pound of gunpowder, by him examined, inspected and proved, whether the same be by him approved or condemned, to be paid by the owner or owners of the gunpowder.

Penalty for
selling unin-
spected pow-
der.

SECT. 8. *And be it further enacted*, That if any manufacturer of gunpowder shall sell or dispose of, or shall cause or permit to be sold or disposed of, or shall export or cause to be exported without the limits of this state, any powder of his manufacture, before the same has been inspected and marked agreeably to the provisions of this act, he shall forfeit and pay the sum of fifty cents for every pound of powder so sold, disposed of, or exported, to be recovered in the manner provided in the sixth section of this act.

Penalty for
selling pow-
der made of
impure mate-
rials.

SECT. 9. *And be it further enacted*, That if any person within this state, after the first day of January next, shall knowingly sell, expose or offer for sale, within this state, any gunpowder which is not well manufactured, or which is composed of impure materials, and which shall not be of the proof herein before required, shall forfeit and pay not less than five dollars nor more than fifty dollars for each and every offence, to be recovered in the manner provided in the sixth section of this act.

Approved June 21, 1820.

CHAPTER III.

Passed July
6, 1827.

AN ACT to regulate the keeping and selling and transporting of gunpowder.

Penalty for
keeping more
than a quar-
ter cask.

SECT. 1. **B**E it enacted by the senate and house of representatives, in general court convened, That there shall not at any time be kept in any warehouse, store, shop or other building in the compact part of any town or village in this state, a quantity of gunpowder, greater than one quarter cask or twenty-five pounds; and any person or persons

Gunpowder.

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so keeping a greater quantity, shall forfeit and pay for every day during which such greater quantity shall be kept as aforesaid, a sum not exceeding five dollars nor less than one dollar, to be sued for and recovered by the firewards or selectmen in an action of debt, in the name of the town, before any justice of the peace or court proper to try the same, with costs of suit; and the whole of said forfeiture so recovered shall be for the use of the town, to be expended by the firewards or selectmen in purchasing materials necessary and proper to be used for the extinguishing of fires.

SECT. 2. *And be it further enacted,* That the firewards, ^{Firewards or selectmen} or a major part of them, or the selectmen of any town, ^{may search for, seize and sell any greater quantity.} are hereby authorized and empowered to search any warehouse, store, shop, or other building in the compact part of any town, or village in this state, where they have cause to suspect that gunpowder, in a greater quantity than one quarter cask, or twenty-five pounds, may be kept or stored, and in case of finding any gun-powder, kept as aforesaid, in a quantity greater than one quarter cask, or twenty-five pounds, the said firewards or selectmen, are hereby authorized and empowered to seize the same, and the said gunpowder so kept, and stored, contrary to the provisions of this act, shall be forfeited to the town, and the firewards or selectmen, so finding and seizing the same, shall sell said gunpowder at auction, and the avails thereof, to be expended for the purposes aforesaid.

SECT. 3. *And be it further enacted,* That every person ^{Manner of keeping less than a quarter cask to sell by retail.} keeping gunpowder to sell by retail, in any quantity less than one quarter cask, or twenty-five pounds, and who shall not at all times, keep the same in a tin cannister, or cannisters, or other incombustible vessel, or vessels, covered and secured from fire, or if said gunpowder be kept in a wooden cask, or casks, said cask, or casks, shall be enveloped in substantial and close leathern bags, or sacks, shall forfeit and pay for each and every day he, she, or they, shall so keep it, a sum not exceeding five dollars, nor less than one dollar, to be sued for, and recovered in the manner and for the purposes aforesaid.

SECT. 4. *And be it further enacted,* That gunpowder shall ^{Transporting gunpowder through the compact part of any town.} not be transported, or carried through the compact part of any town or village, in any cart, wagon, or other open carriage, in a quantity greater than four quarter casks, or one hundred pounds at any one time, nor unless the casks containing the gunpowder so transported, be enveloped in substantial leathern bags, or sacks, and any person or persons transporting gunpowder, as aforesaid, in a greater quantity, and without being enveloped, as aforesaid, except the same be conveyed in a closely covered carriage, shall forfeit and pay a sum, not more than fifty dollars, nor less than fifteen dollars, to be sued for and recovered



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Treasurer of the State, to deposit in the Bank of the State and its several branches, all that portion of the public revenue of the United States, which he has received or which he may hereafter receive, as the portion of Alabama, in the following proportion: One fifth in the Bank of the State at Tuscaloosa, one fifth in the Branch Bank at Montgomery, one fifth in the Branch Bank at Mobile, one fifth in the Branch Bank at Decatur, and one fifth in the Branch Bank at Huntsville; taking therefor certificates of deposit, and all laws or parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That the amount of the surplus revenue already received and which may hereafter be received, shall be deposited in said Bank and its Branches, in the above and foregoing proportions, on or before the first day of May next.

Approved June 30, 1837.

[No. 11.]

AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansaw Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie Knife or Arkansaw Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Penalty for carrying Bowie knives

Sec. 2. *And be it further enacted*, That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same in his list of taxable property, he shall be subject to the pains and penalties of perjury.

Persons selling Bowie knives to be taxed.

Approved June 30, 1837.

[No. 12.]

AN ACT

To enlarge the prison bounds in the different counties in this State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sections of an act passed in the year 1824, requiring the Judge of the county court and commissioners of roads and revenue, to mark and lay out the bounds of prisoners, be and the same is hereby repealed; and that from and after the passage of this act, the bounds of the different counties shall be the limits within which prisoners confined for debt shall be restricted, on entering into bond, as now required by law, to keep within the prison bounds; and hereafter the plaintiffs in suits shall not be compelled to pay the sustenance and support of prisoners who take the benefit of the bounds.

Prison bounds enlarged.

Approved June 30, 1837.

[No. 13.]

AN ACT

For the relief of the purchasers of the Sixteenth Section, Township four, Range six, West, in the county of Lawrence and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the



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DEADLY WEAPONS.

AN ACT to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used, as horseman's pistols, &c.

SEC. 2. *And be it further enacted by the authority aforesaid,* That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

SEC. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all civil officers, to be vigilant in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: *Provided, nevertheless,* that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: *Provided, also,* that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: *And provided, nevertheless,* that the provisions of this act shall not extend to prevent venders, or any oth-

DEEDS.

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er persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

SEC. 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act, be, and the same are, hereby repealed.

JOSEPH DAY,
Speaker of the House of Representatives,

ROBERT M. ECHOLS,
President of the Senate.

Assented to, 25th December, 1837.

GEORGE R. GILMER, Governor.

DEEDS.

AN ACT to admit certain Deeds to be recorded and read in evidence ; and also, to prescribe the effect of certain other Deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all Deeds for lands which may have been recorded upon the usual proof of execution, but not recorded within the time prescribed by the laws of this State, shall be admitted in evidence, without further proof; and when the originals are lost or destroyed, and that being made judicially known to the Court, copies of the same may be introduced and read in evidence, on any trial before any Court of law or equity, in this State.

SEC. 2. *And be it further enacted by the authority aforesaid,* That all Deeds executed, according to the laws of this State, but not yet recorded, may nevertheless be recorded within twelve months from the passage of this act, upon the usual proof of their execution ; and when so recorded, the same or copies thereof, when the originals are shown to be lost or destroyed, may be read in evidence without further proof.

SEC. 3. *And be it further enacted by the authority aforesaid,* That all Deeds conveying lands hereafter executed upon being attested or proved in the manner required by the laws of this State, shall be admitted to record, at any time, and after being recorded, shall be received in evidence in any Court of Law or Equity, without further proof of the execution thereof.

SEC. 4. *And be it further enacted by the authority aforesaid,* That in all cases where two or more Deeds shall hereafter be executed by the same person or persons, conveying the same



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to perform the duties enjoined on them by the second section of an act, passed at Nashville, the 19th of February, 1836, chapter XLVIII, that it shall be the duty of the several county surveyors to do and perform said services within their respective counties, and that said county surveyors shall be allowed the same fees, and be subject to the same penalties that said principal surveyors were entitled to, and liable for, in processioning said lands, and that said county surveyors shall return a plat and certificate of each tract so processioned by them to the entry taker of the county, who shall forthwith record the same in his survey book, for which services the said entry taker shall be allowed the same fees as for other services of the same kind, and that said several tracts of land shall be liable to attachment and final judgment for all expenses in processioning and recording the same.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 18th, 1836.

CHAPTER CXXXVII.

An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That if any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever, shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any other manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or any Arkansasaw tooth pick, such merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons for every such Bowie knife or knives, or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick so sold, given or otherwise disposed of, or offered to be sold, given or otherwise disposed of, shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

SEC. 2. That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in

form, shape or size resemble a Bowie knife or Arkansas tooth pick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

Sec. 3. That if any person shall maliciously draw or attempt to draw any Bowie knife, Arkansas tooth pick, ^{Penalty of drawing a knife} or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick, from under his clothes or from any place of concealment about his person, for the purpose of sticking, cutting, awing, or intimidating any other person, such person so drawing or attempting to draw, shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State for a period of time not less than three years, nor more than five years.

Sec. 4. That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any ^{Penalty for using knife} knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden rencounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State, for a period of time not less than three years, nor more than fifteen years.

Sec. 5. That this act shall be in force from and after ^{Of prosecutions} the first day of March next. And it shall be the duty of the several judges of the circuit courts in this State to give the same in charge to the grand jury every term of the respective courts, and any civil officer who shall arrest and prosecute to conviction and punishment any person guilty of any of the offences enumerated in this act, shall be entitled to the sum of fifty dollars, to be taxed in the bill of costs, and the attorney general shall be entitled to a tax fee of twenty dollars in each case, when a defendant shall be convicted, and no prosecutor required on any presentment or indictment for any of the offences enumerated in this act.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 27th, 1838.



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(36)

the statute of which this is an amendment, she shall make her election either of dower or of a child's part, within twelve months after the probate of the will or granting letters of administration, or she shall be confined to her dower.

Widow may make her election of dower.

Sec. 2. That if a widow take dower, she shall be entitled only to a life estate in the real property, to return at her death, to the estate of her deceased husband for distribution; if she takes a child's part, she shall have in the property set apart to her, a fee simple estate in the real property, and an absolute title to the personal property including slaves, with power to control or dispose of the same by will, deed or otherwise.

Fee simple title in widow.

Passed February 6th 1838.—Approved 8th Feb. 1838.

No. 24. AN ACT in addition to An Act, (approved January 30th, 1835,) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons openly shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

Venders to get license.

monies how appropriated.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Penalty.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand jurors of their respective districts at each term of the court.

Judges to charge grand juries.

Passed 5th February, 1838.—Approved 10th Feb. 1838.



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CHAPTER 168.

AN ACT to Incorporate the Town of Emery, in the County of Holmes.

SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi,* That the town of Emery, in the county of Holmes, be, and the same is hereby, incorporated, and that the corporate limits of the said town shall run to the four cardinal points, and form one mile square, to be laid off in such manner so that the centre of the said town, as at present laid off and surveyed, shall be the centre of the said corporate limits.

Incorporation.

Limits.

Qualifications of voters, &c.

SEC. 2. *And be it further enacted,* That every free white male person, having attained the age of twenty-one years, and having resided in the state twelve months, and in the corporate limits of said town four months next preceding an election for town officers, shall be a qualified elector, and eligible to any town office.

Election of town-officers, when.

SEC. 3. *And be it further enacted,* That the qualified electors of said town are hereby authorized to hold an election in the said town of Emery, on the first Monday in March next, between the hours of ten o'clock a. m. and four o'clock p. m., for the purpose of electing five persons as aldermen; also, a mayor, treasurer, recorder, and constable; who shall serve until the first regular annual election, or until their successors are duly elected and qualified; and that the annual election shall be held in said town on the first Wednesday of January in each and every year, between the hours of ten o'clock in the morning and four o'clock in the

Term of service.

Annual elections, when held, &c.

LAWS OF MISSISSIPPI.

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evening ; and that the mayor elected in pursu-
 ance of this act shall be commissioned by the
 governor as a justice of the peace ; he shall
 preside at each meeting of the board of mayor
 and aldermen of said town, and by virtue of his
 office shall have power to perform all such du-
 ties, and receive like emoluments and immuni-
 ties, as are performed and received by other
 magistrates in the said county ; but in case of
 his absence from any meeting of the said board
 of aldermen, any member thereof may be call-
 ed to the chair, and execute the duties of the
 president, pro tempore.

Mayor to be
 commission-
 ed by gover-
 nor.
 Duties, &c.

In absence
 of mayor,
 who to pre-
 side.

SEC. 4. *And be it further enacted*, That the
 said mayor and aldermen shall be a body cor-
 porate and politic, by the name and style of the
 mayor and aldermen of the town of Emery ; and,
 as such, they and their successors in office shall
 be capable of suing and being sued, of plead-
 ing and being impleaded, of defending and be-
 ing defended, in all manner of suits and actions
 either in law or equity ; and also receive dona-
 tions, purchase, give, grant, sell, convey, and
 contract, and do any and all other such acts as
 are incident to bodies corporate and politic.

Body corpo-
 rate and po-
 litic—name
 and style.

Privileges,
 liabilities &c

SEC. 5. *And be it further enacted*, That said
 mayor and aldermen shall have power to pass
 all necessary by-laws for the good order and
 government of said town, not inconsistent with
 the constitution and laws in this state and the
 United States, whereby education and morality
 may be promoted, and the retailing and vend-
 ing of ardent spirits, gambling, and every spe-
 cies of vice and immorality, may be suppress-
 ed, together with the total inhibition of the o-
 dious and savage practice of wearing dirks and
 bowie-knives or pistols ; and in their corporate

Powers of
 mayor and
 aldermen.

capacity they may inflict a fine or penalty on any person for a violation of any such by-laws, not exceeding fifty dollars for any offence, recoverable, with costs, before any justice of the peace for said county, in the name of said corporation, for the use and benefit of said town.

State laws, legalizing sale of liquor or gaming, not to apply to town.

Authority not to be given to sell liquor or to game, unless upon petition, &c.

And that no law of the state, now in force, or that hereafter may be passed, legalizing either retailing or vending spirituous liquors, or any species of gaming, shall apply in any respect to said corporation; nor shall the said mayor and aldermen have power by any by-laws to authorize any person to sell spirituous liquors either in large or small quantities, or to authorize any species of gaming in said corporation, unless upon petition, signed by at least three-fourths of the citizens of said town.

District entitled to justice and constable.

Sec. 6. *And be it further enacted*, That the corporate limits of said town of Emery are hereby declared to be a district entitled to a justice of the peace and constable; and the said mayor and constable, when elected and commissioned by the governor, shall each be subject to perform all the duties, and receive all such profits, as are performed and received by other justices of the peace and constables of this state.

Duties and emoluments

Mayor to prescribe duties of treasurer & recorder.

Sec. 7. *And be it further enacted*, That the duties, responsibilities, and compensation, of the treasurer and recorder, shall be prescribed by the said mayor and aldermen.

Town tax.

Sec. 8. *And be it further enacted*, That for the purposes of revenue, the said mayor and aldermen may tax such property as is liable to taxation under the existing laws of this state:

Proviso.

Provided, such tax shall not exceed fifty cents on each white poll, fifty cents on each slave,

LAWS OF MISSISSIPPI.

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and twelve and one-half cents on every hundred dollars' worth of other personal and real estate, within the limits of said town, in any one year; and the money so raised shall be appropriated, by the said mayor and aldermen, exclusively for the use and benefit of said town.

SEC. 9. *And be it further enacted*, That the citizens of said town, subject to road duties, shall be exempt from such duties beyond its corporate limits; and the said mayor and aldermen may release them from such labor within said limits, upon their paying an equivalent therefor, not to exceed nine dollars in any one year.

Citizens exempt from road duties out of corporation.

May be released from working on streets, upon paying equivalent.

SEC. 10. *And be it further enacted*, That if from any cause the said board should not be constituted as contemplated by this act, any three citizens of said town may call a meeting, at any time, for the purposes of such election, by giving ten days' previous notice, by advertisement set up in said town; and such election shall be as valid as though it had been held on the regular appointed days therefor.

Should be not be constituted, &c. three citizens may call meeting, &c.

Validity of election.

SEC. 11. *And be it further enacted*, That when said board has been organized, the said mayor may call a meeting at any time, by giving five days' notice; that a majority shall constitute a quorum; that in case of a tie, the mayor shall give the casting vote; and that the said board shall have power to fill all vacancies which may occur in their body from one annual election to the next succeeding one.

When board organized, mayor may call meeting

Quorum.

Mayor to give casting vote in ties. Board to fill vacancies.

SEC. 12. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

When act to take effect.

Approved, February 15, 1839.



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words five years, be, and the same is hereby, repealed.

Sec. 5. *And be it further enacted*, That this act be in force from and after its passage.

Approved February 18th, 1840.

CHAPTER 111.

AN ACT to incorporate the Town of Hernando, in the County of De Soto.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the town of Hernando, in the county of De Soto, be, and the same is hereby, incorporated and bounded as follows, to wit; The whole of Section thirteen, in township three, and range eight, West, and the West half of Section eighteen, township three, and range seven. West.

Sec. 2. *Be it further enacted*, That every free white male person, having attained the age of twenty-one years, and having resided in the State twelve months, and in the corporate limits of said town four months next preceding an election for town officers, shall be a qualified elector and eligible to any town office.

Sec. 3. *Be it further enacted*, That the Sheriff of said county, for the time being, is hereby authorized to hold an election in said town of Hernando, on the first Monday in July next, (by giving ten days previous notice,) between the hours of ten o'clock, A. M., and four o'clock, P. M., for the purpose of electing five persons as aldermen; also, one mayor, treasu-

rer, recorder and constable, who shall serve until their successors are duly elected and qualified; and that the annual election shall be held in said town on the first Monday in July in each and every year, between the hours of ten o'clock in the morning and four o'clock in the evening, and that the mayor elected in pursuance of this act shall be commissioned by the Governor as a justice of the peace; he shall preside at each meeting of the Board of mayor and aldermen of said town, and by virtue of his office shall have power to perform all such duties, and receive like emoluments and immunities as are performed and received by other magistrates in said county; but in case of his absence from any meeting of the said Board of Aldermen, any member thereof may be called to the chair.

Mayor to be
comm'd. a
Justice of
the peace.

Absence of
the mayor
at any mee-
ting.

Sec. 4. *Be it further enacted*, That the said mayor and aldermen shall be a body corporate and politic, by the name and style of the mayor and aldermen of the town of Hernando; and, as such, they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all manner of suits and actions, either in law or equity, and also receive donations, purchases, give, grant, sell, convey and contract, and do any and all other such acts as are incident to bodies corporate and politic.

Name and
style in law.

Powers.

Sec. 5. *Be it further enacted*, That said mayor and aldermen shall have power to pass all necessary by-laws for the good order and government of said town, not inconsistent with the constitution and laws of this State, and the United States, whereby education and mo-

Power to
pass by-
laws, etc.

LAWS OF MISSISSIPPI.

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rality may be promoted, and the retailing and vending ardent spirits, gambling, and every species of vice and immorality may be suppressed, together with the exhibition of the orders and savage practice of wearing dirks and bowie knives or pistols; and, in their corporate capacity, they may inflict a fine or penalty on any person for a violation of such by-laws, not exceeding fifty dollars for any offence, recoverable, with costs, before their mayor or any justice of the peace for said county, in the name of said corporation, for the use and benefit of said town.

Punish-
ments and
fines.

Sec. 6. *Be it further enacted*, That the corporate limits of said town of Hernando are hereby declared to be a district, entitled to a justice of the peace and constable; and that said mayor and constable, when elected and commissioned by the Governor, shall each be subject to perform all the duties and receive all such profits, as are performed and received by other justices of the peace and constables of this State.

Corporate
limits.

Mayor and
Constable
to be com-
missioned.

Sec. 7. *Be it further enacted*, That the duties, responsibilities, and compensation of the treasurer and recorder, shall be prescribed by the said mayor and aldermen.

Treasurer's
duties and
compensa-
tion.

Sec. 8. *Be it further enacted*, That for the purposes of revenue, the said mayor and aldermen may tax such property as is liable to taxation under the existing laws of this State; *Provided*, such tax shall not exceed fifty cents on each white poll, fifty cents on each slave, and twelve and one half cents on every hundred dollars' worth of personal or real estate within the limits of said town, in any one year; and the money so raised shall be appro-

Town rev-
enue--how
to be raised.

Limits of
Tax.

Manner of
appropri-
ating money

priated by the said mayor and aldermen, exclusively, for the use and benefit of said town.

Sec. 9. Be it further enacted, That the citizens of said town, subject to road duties beyond its corporate limits, shall be exempt from such duties beyond its corporate limits; and the said mayor and aldermen may release them from such labour within said limits, upon their paying an equivalent therefor, not to exceed nine dollars in any one year.

Citizens of town exempt from Road duties.

Terms of release from labor.

Sec. 10. Be it further enacted, That if from any cause the said Board should not be constituted as contemplated by this act, any three citizens of said town may call a meeting at any time for the purpose of such election, by giving ten days previous notice, by advertisement set up in said town; and such election shall be as valid as though it had been held on the regular appointed days therefor.

Should the Board from any cause not be organized, then, three citizens may cause an election to be held.

Sec. 11. Be it further enacted, That when said Board has been organized, the said mayor may call a meeting at any time by giving five days notice; that a majority shall constitute a *quorum*; that in case of a tie, the mayor shall give a casting vote; and that the said Board shall have power to fill all vacancies which may occur in their body, from one annual election to the next succeeding one.

Mayor may call meetings of the Board.

Sec. 12. And be it further enacted, That all acts and parts of acts coming within the meaning and purview of the provisions of this act, shall be null and void.

Contravening acts, repealed.

Approved February 18, 1840.



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CHAPTER 81.

AN ACT to amend the Criminal Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall be indicted in the Circuit Courts, or any other court having criminal jurisdiction, for malicious shooting, and the jury trying the cause, after having all the evidence, shall be of the opinion that the defendant is not guilty of the malice, they shall have the power to find the defendant guilty of an assault, or an assault and battery, and judgment shall be given accordingly.

SEC. 2. *Be it enacted*, That, hereafter, it shall be unlawful for any person to sell, loan, or give, to any minor a pistol, bowie-knife, dirk, or Arkansas tooth-pick, or hunter's knife; and whoever shall so sell, loan, or give, to any minor any such weapon, on conviction thereof, upon indictment or presentment, shall be fined not less than twenty-five dollars, and be liable to imprisonment, at the discretion of the Court: *Provided*, that this act shall not be construed so as to prevent the sale, loan, or gift, to any minor of a gun for hunting.

SEC. 3. *Be it enacted*, That it shall be the duty of the Circuit Judges and the Judges of the Criminal Courts to give this act in charge to the Grand Juries: *Provided*, said minor be travelling on a journey, he shall be exempted.

SEC. 3. *Be it enacted*, That this act shall be in force from and after its passage.

NEILL S. BROWN,

Speaker of the House of Representatives.

EDWARD S. CHEATHAM,

Speaker of the Senate.

Passed February 26, 1856.

CHAPTER 82.

AN ACT to amend the Internal Improvement acts of 1852 and 1854.

Be it enacted by the General Assembly of the State of Tennessee, That, hereafter, it shall not be necessary for the Engineer in Chief to swear to the subscription list, solvency, and condition of any Railroad Company applying for State aid, but the oath required of the Engineer shall be taken by the President and Treasurer of the Com-



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LAWS OF KENTUCKY.

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CHAPTER 33.

1860.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judicial power of said town shall be vested in and exercised by a court, to be styled the Police Court of Harrodsburg, which shall be held by a single judge, to be elected and qualified and hold office as prescribed in the constitution of this Commonwealth. The police court of Harrodsburg shall be a court of record, and shall have the power of a quarterly judge over slaves and free negroes, and to require security of all persons for good behavior and to keep the peace; and in all matters of penalties for a violation of the laws of this Commonwealth shall have concurrent jurisdiction, with the circuit courts and justices of the peace, of prosecutions for misdemeanors committed in the town where the punishment of a free person is a fine not exceeding one hundred dollars and imprisonment for fifty days, or of a slave in any number of stripes not exceeding thirty-nine, and exclusive jurisdiction of all prosecutions and actions for an infraction of the by-laws or ordinances of the town. Said court shall exercise the power and jurisdiction of an examining court, shall have concurrent jurisdiction with the circuit court to try vagrants; and shall have power to take recognizances and bail bonds from persons charged with offenses cognizable before said court to appear and answer, and a like power to enforce a compliance with the same that circuit courts have; and all recognizances and bail bonds entered into to appear before said court, where the amount of the penalty does not exceed one hundred dollars, may be forfeited, and other proceedings had thereon in said court to forfeit and collect the same, as are directed by-law in similar cases in the circuit court. The jurisdiction of said court, and the judge thereof, in civil cases, shall be the same as that of a quarterly court and the judge thereof.

Judicial powers vest'd in police court.

Judge to be elected.

Jurisdiction of police court.

§ 2. The police judge shall issue his process in criminal, penal, and civil cases in the name of the Commonwealth, and make the same returnable before him as police judge of Harrodsburg; and the same shall be directed to the sheriff, marshal, jailer, coroner, constable, or policeman of any town, city, or county of Kentucky, and shall be executed and returned by any of said officers, under the same penalties as other similar process from circuit and quarterly courts; and all proceedings in criminal, penal, and civil cases in said court shall be the same as directed by law in similar cases in the circuit and quarterly courts: *Provided, however,* That it shall not be necessary that an indictment be found by a grand jury for the trial of any

Police judge to issue process in the name of the Commonwealth, & to whom directed.

LAWS OF KENTUCKY.

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persons attending the same, shall be regulated by ordinance, and also the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinance, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten, nor more than thirty lashes, to be enforced before the police court of said town. And for good cause, the board of trustees may provide for the closing up any house or place of assembling of colored persons within said town, and may provide for silencing any preacher or teacher of colored persons for misconduct. And all assemblies of colored persons within said town shall be under the visitation of the police, and especially under that of the night police and watchmen.

1860.

§ 22. If any person shall sell, loan, or give, any spirituous liquors, or mixture of the same, to any minors, without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vender of ardent spirits by license, he shall be fined sixty dollars.

Penalty for giving or selling liquor to minors.

§ 23. If any person, other than the parent or guardian, shall sell, give, or loan, any pistol, dirk, bowie-knife, brass-knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

Penalty for giving weapons to minors and slaves.

§ 24. If any person, other than the parent or guardian, shall sell, give, or loan, to any minor a deck, or part of a deck, of playing cards, or shall knowingly permit any minor to play cards on his premises, or premises under his control, he shall be fined ten dollars; and any minor having in his possession a deck, or part of a deck, of cards, shall be fined five dollars.

Penalty for giving cards to minors.

§ 25. The board of trustees shall have power to appoint not more than three policemen, who shall have the same power to execute process, arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Harrodsburg, and town ordinances, that marshals have.

Trustees may appoint police.

§ 26. Upon the trial and conviction of any person in the police court of any crime or offense, he shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fiery facias* may be issued, at any time thereafter, against the estate of the defendant or defendants, for the amount of the fine and costs until the same are satisfied.

Persons convicted in police court may be committed to jail until fine is paid.

1860.

Officers to arrest disorderly persons.

§ 27. It shall be the duty of all peace officers and policemen to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail, or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court, to be dealt with according to law; and the jailer of Mercer county is hereby directed to receive such persons, when arrested and in custody of such officer, in the night time, without an order of commitment.

Officers may take bail.

§ 28. The officer executing any process requiring bail, shall have authority to take the bail.

Chairman of trustees to act in absence of police judge.

§ 29. In the absence of the police judge from town, the chairman of the board of trustees of said town shall have the same authority and power that said judge has.

Appeals.

§ 30. In all cases, civil and penal, where the judgment, exclusive of costs, is twenty dollars or more, either party may appeal to the circuit court: *Provided*, Said appeal is taken and a copy of the record filed in said court within sixty days from the rendition of the judgment: *And provided further*, That the party, except where the Commonwealth is appellant, files a bond, as now required by law.

Sec. 8 of act to which this is an amendment amended.

§ 31. Section 8 of the act to which this is an amendment, is hereby so amended as to insert after the words, "some newspaper of the town for two months, by successive weekly publications," the words, "or by the service of a written copy of the order, signed by the chairman of the board of trustees and attested by the clerk, upon the parties to be affected thereby."

Trustees may assess tax to pay debts of town.

§ 32. The board of trustees shall have power to assess a tax, not exceeding twenty cents, on every one hundred dollars of the taxable property of said town. They shall have power to allow the marshal, in addition to his regular fees, such compensation as to them may be proper.

Trustees may sell, convey, & close up streets in said town.

§ 33. Said board shall have power to sell and convey, or lease or close up, any of the alleys or parts of alleys in said town, with the consent of a majority of the qualified voters thereof.

§ 34. The present officers of said town shall continue in office and perform all the duties required under this act until their successors are elected and qualified, as provided by law.

§ 35. This act shall not be construed to repeal any portion of the act to which this is an amendment, except those portions which conflict with this amendment.

§ 36. This act shall be in force from its passage.

Approved January 12, 1860.



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STATE OF MISSISSIPPI.

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CHAPTER XLVI.

AN ACT to prevent the carrying of concealed weapons,
and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That any person, not being threatened with, or having good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a journey, or peace officers, or deputies in discharge of their duties, who carries concealed. in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offence by a fine of not less than five dollars nor more than one hundred dollars, and in the event the fine and cost are not paid shall be required to work at hard labor under the direction of the board of supervisors or of the court, not exceeding two months, and for the second or any subsequent offence, shall, on conviction, be fined not less than fifty nor more than two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor not exceeding six months under the direction of the board of supervisors, or of the court. That in any proceeding under this section, it shall not be necessary for the State to allege or prove any of the exceptions herein contained, but the burden of proving such exception shall be on the accused.

When concealed weapons may be carried.

Penalty for carrying weapons.

Burden of proof on accused.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described, or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars, and if the fine and costs are not paid, be condemned to hard labor under the direction of the board of supervisors or of the court, not exceeding six months.

Minors, or persons intoxicated.

SEC. 3. *Be it further enacted*, That any father, who shall knowingly suffer or permit any minor son under the age of sixteen years to carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars, nor more than two hundred dollars, and if the fine and costs are not paid, shall be condemned to hard labor under the direction of the board of supervisors or of the court.

Minor under
16 years.

SEC. 4. *Be it further enacted*, That any student of any university, college or school, who shall carry concealed, in whole or in part, any weapon of the kind or description in the first section of this Act described, or any teacher, instructor, or professor who shall, knowingly, suffer or permit any such weapon to be carried by any student or pupil, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not exceeding three hundred dollars, and if the fine and costs are not paid, condemned to hard labor under the direction of the board of supervisors or of the court.

Students.

SEC. 5. *Be it further enacted*, That each justice of the peace before whom a conviction is had, shall, in addition to the costs now allowed by law, be entitled to a tax fee of two dollars and a half.

Tax fee of
justice.

SEC. 6. *Be it further enacted*, That immediately after the passage of this Act, the Secretary of State shall transmit a copy to each circuit judge in the State, who shall cause the same to be read in open court on the day for the calling of the State docket of the court.

Act to be
read in courts

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage.

APPROVED, February 28, 1878.



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ACTS OF ARKANSAS.

191

buildings and grounds shall hereafter be used exclusively for State purposes, the title to the same being in the State.

SEC. 2. That this act take effect and be in force thirty days after its passage, allowing that time for said county to vacate said rooms, &c.

Approved, April 1st, 1881.

No. XCVI.

AN ACT To Preserve the Public Peace and Prevent Crime.

SECTION

- 1 Carrying of certain weapons constituted a misdemeanor; *proviso*, excepting officers, and persons journeying.
- 2 Carrying such weapons otherwise than in the hand, a misdemeanor.
- 3 Selling or disposing of such weapons, a misdemeanor.
- 4 Violation of act punishable by fine from \$50 to \$200.
- 5 Justices of the Peace knowing of violations of provisions of act and refusing to proceed, to be fined and removed.
- 6 Same penalty denounced any other officer knowing of such offense.
- 7 Violators of act how proceeded against.
- 8 Conflicting laws repealed; act in force 90 days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor; *Provided*, That officers, whose duties require them to make arrests, or to keep and guard prisoners, together with the persons summoned by such officers, to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act. *Provided, further*, That nothing in this act be so construed as to prohibit any person from carrying any weapon when upon a journey, or upon his own premises.

SEC. 2. Any person, excepting such officers, or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as in [is] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person *any person* any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol, of any kind whatever, except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge, for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.

SEC. 4. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SEC. 5. Any justice of the peace in this State, who, from his own knowledge, or from legal information, knows, or has reasonable grounds to believe, any person guilty of the violation of the provisions of this act, and shall fail or refuse to proceed against such person, shall be deemed guilty of a non-feasance in office, and upon conviction thereof, shall be punished by the same fines and penalties as provided in section four of this act, and shall be removed from office.

SEC. 6. Any officer in this State, whose duty it is to make arrests, who may have personal knowledge of any person carrying arms contrary to the provisions of this act, and shall fail or refuse to arrest such person and bring him to trial, shall be punished, as provided in section four of this act.

SEC. 7. All persons violating any of the provisions of this act may be prosecuted in any of the courts of this State, having jurisdiction to try the same.

SEC. 8. All laws or parts of laws, in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force ninety days after its passage.

Approved, April 1st, 1881.



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1883 159 .

ALWD 7th ed.
, , 1883 159 .

Chicago 17th ed.
", " Kansas - 20th Legislature, Regular Session : 159-160

AGLC 4th ed.
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OSCOLA 4th ed.
" 1883 159 Please note: citations are provided as a general guideline.
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CH. 104.]

CRIMES AND PUNISHMENTS.

159

within thirty days after the said misdemeanor is alleged to have been committed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved March 5, 1883.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper, March 6, 1883.

JAMES SMITH, *Secretary of State.*

CHAPTER CV.

CRIMES AND PUNISHMENTS—RELATING TO MINORS AND DEADLY WEAPONS OR TOY PISTOLS.

[House Bill No. 99.]

AN ACT to prevent selling, trading or giving deadly weapons or toy pistols to minors, and to provide punishment therefor.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall, upon conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars.

SEC. 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nor more than ten dollars.

SEC. 3. This act to take effect and be in force from and after its publication in the official state paper.

Approved March 5, 1883.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper, March 6, 1883.

JAMES SMITH, *Secretary of State.*

CHAPTER CVI.

POLITICAL DISABILITIES REMOVED.

[Substitute for House Bills No. 126, 290, 290, 337, and 16.]

AN ACT to remove the political disabilities of certain persons therein named.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the political disabilities imposed by section two of article five of the constitution of the state of Kansas, as amended November fifth, eighteen hundred and sixty-seven, upon the following named persons: W. H. Camp, M. W. Boswell and John Williamson, of Rush county; Daniel F. Miller, of Reno county; George F. Miller, of Rice county; J. H. Heartley, J. J. Harney, J. L. Burt and A. D. Lee, of Butler county; Jerome W. Fugate, of Douglas county; Alonzo M. Moore, of Cowley county; A. J. McMakin, Phill. Cantrall, A. McDonald, F. Simmons, J. B. Ewer and Ben. D. Lillard, of Franklin county; Alex. Weller and James H. Bradley, of —; Henry H. Harper, William A. Hodges, D. C. McMaster, Z. H. Lowdermilk and B. S. Moore, of Cherokee county; Mathew Boyle, of Leavenworth county; Jefferson Garnett, of Barbour county; James Lawhorn, of Doniphan county; H. H. Harris and John P. Ward, of Sedgwick county; Wm. Wilkinson, W. P. Bruce, Watson Compton, John Bird and J. A. Minnis, of Barton county; Quincy A. Kellogg, of Neosho county; Dr. David Beeler, John F. Lightburn and James H. Meece, of Sumner county; A. R. Payne, James Ruddell, William S. Dyer, John H. Park, H. H. Robinson and Edward Baker, of Chautauqua county; Lafayette Adams and J. T. Swinney, of Wilson county; William M. Guinn, Alexander T. Ar-



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Merritt Starr, Editor; Curtis, Russell H., Editor. Annotated Statutes of the State of Illinois in Force January 1, 1885 (1885).

ALWD 7th ed.

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Starr, M. (1885). Annotated Statutes of the State of Illinois in Force January 1, 1885. Supp. Chicago, Callaghan and Company.

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MLA 9th ed.

Starr, Merritt, Editor, and Russell H. Curtis, Editor. Annotated Statutes of the State of Illinois in Force January 1, 1885. + Supp. Chicago, Callaghan and Company. HeinOnline.

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moral purpose, exhibition or practice whatsoever, or for, or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure, or encourage any such child to engage therein. Nothing in this section contained shall apply to, or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music.

¶ 83. **Children — Unlawful to exhibit.]** § 2. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age and for the purposes prohibited in the first section of this Act.

¶ 84. **Order as to custody.]** § 3. When upon examination before any court or magistrate it shall appear that any child within the age previously mentioned in this Act was engaged or used, for or in any business, or exhibition, or vocation, or purpose prohibited in this Act; and when upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had, shall deem it desirable for the welfare of such child, that the person so convicted should be deprived of its custody; thereafter such child shall be deemed to be in the custody of court, and such court or magistrate may, in its discretion, make such order as to the custody thereof as now is, or hereafter may be, provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

¶ 85. **Endangering life or health.]** § 4. It shall be unlawful for any person having the care or custody of any child, willfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or willfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

¶ 86. **Penalty.]** § 5. Any person convicted under the provisions of the preceding sections, shall for the first offense be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court; and upon conviction for a second or any subsequent offense shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the penitentiary for a term not exceeding two years, or both, in the discretion of the court.

[General Act of 1874 resumed.]

CURRENCY UNAUTHORIZED.

¶ 87. **Issuing or uttering.]** § 54. Whoever issues or passes any note, bill, order or check, other than foreign bills of exchange, the notes or bills of the United States, or of some bank incorporated by the laws of this State, or of the United States, or of some one of the United States, or by the laws of either of the British provinces in North America, with intent that the same shall be circulated as currency, shall be fined not less than 100 nor more than \$1,000 for each offense, and shall not be permitted to collect any demand arising therefrom.

In lieu of R. S. 1845, p. 175, § 136, and L. 1867, p. 49, § 1.

DEADLY WEAPONS.

AN ACT to regulate the traffic in deadly weapons, and to prevent the sale of them to minors.

Approved April 16, 1881. In force July 1, 1881. L. 1881, p. 73.

¶ 88. **Possession or sale forbidden — Penalty.]** § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* whoever shall have in his possession, or sell, give or loan, hire or barter, or

DIVISION I.

771 CRIMINAL CODE. CH. 38, ¶ 89-93.

whoever shall offer to sell, give, loan, hire or barter, to any person within this State, any slung-shot or metallic knuckles, or other deadly weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10) nor more than two hundred dollars (\$200).

¶ 89. **Deadly weapons — Not to be sold minors.**] § 2. Whoever, not being the father, guardian or employer of the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within this State, any pistol, revolver, deringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 90. **Register of sales — Penalty.**] § 3. All persons dealing in deadly weapons, hereinbefore mentioned, at retail within this State shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of the said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form:

NO. OF WEAPON.	TO WHOM SOLD OR GIVEN.	AGE OF PURCHASER.	KIND AND DESCRIPTION OF WEAPON.	FOR WHAT PUR- POSE PURCHASED OR OBTAINED.	PRICE OF WEAPON.
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Said register shall be kept open for the inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours. A failure to keep such register, or to allow an examination of the same, or to record therein any sale or gift of a deadly weapon, or the keeping of a false register, shall be a misdemeanor, and shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 91. **Concealed weapon — Flourishing weapon.**] § 4. Whoever shall carry a concealed weapon upon or about his person of the character in this Act specified, or razor as a weapon, or whoever, in a threatening or boisterous manner, shall display or flourish any deadly weapon, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 92. **Penalties — How recovered — Second offense.**] § 5. All fines and penalties specified in this Act may be recovered by information, complaint or indictment, or other appropriate remedy, in any court of competent jurisdiction; and, when recovered, shall be paid into the county treasury of the county where the conviction is had, and become a part of the current revenue of the county; or the said fines and penalties may be recovered by *qui tam* action, one-half to be paid to the informer, and the other half to be paid into the county treasury, as aforesaid. For a second violation of any of the provisions of this Act the offender shall be fined in double the amount herein specified, or may be committed to the county jail for any term not exceeding twenty days, in the discretion of the court.

¶ 93. **Peace officers exempt.**] § 6. Section four (4) of this Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, while engaged in the discharge of their official duties, or to any person sum-



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To punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes., Chapter 159, 52 Congress, Public Law 52-159. 27 Stat. 116 (1892).

ALWD 7th ed.

To punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes., Chapter 159, 52 Congress, Public Law 52-159. 27 Stat. 116 (1892).

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"Chapter 159, 52 Congress, Session 1, An Act: To punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.," U.S. Statutes at Large 27, no. Main Section (1892): 116-118

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submitting plan and estimate for its improvement; and the Chief of Engineers shall submit to the Secretary of War the reports of the local and division engineers, with his views thereon and his opinion of the public necessity or convenience to be subserved by the proposed improvement; and all such reports of preliminary examinations with such recommendations as he may see proper to make, shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

Reports to be sent to House of Representatives and printed.

Appropriation for examinations, etc.

Provides.
No survey, etc., unless provided for.

No supplemental reports, etc., to be made.

No project authorized until appropriation made.

SEC. 8. For preliminary examinations, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, one hundred and twenty-five thousand dollars: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate, for the same fiscal year, shall be made unless ordered by a resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any water way or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

District of Columbia.
Carrying concealed weapons forbidden.

Openly carrying weapons with unlawful intent forbidden.

Punishment, first offense.

Provides.
Exceptions.

Lawful use of weapons.

Permits.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: *Provided*, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: *Provided further*, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: *Provided further*, That nothing contained in the first or second sections of this act shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District

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of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self-defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

Punishment, second offense.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions of this act shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

Disposition of weapons taken from offenders.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties to be by them approved, conditioned in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major, and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars.

Punishment for sale of weapons to minors.

Special license for dealers in weapons.

Penalty for dealing without license.

Register of sales, etc.

Half of fine to informer.

Penalty for failure to arrest by officers.

Repeal.

SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 160.—An act authorizing The Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Texas.

Aransas Harbor and
Terminal Railway
Company may bridge
Corpus Christi Chan-
nel, Tex.

Railway bridge.

Draw.

Proviso.

Opening draw.

Lights, etc.

Unobstructed navi-
gation.

Litigation.

Existing laws not
affected.

Use by other com-
panies.

Terms.

Secretary of War to
approve plans, etc.

Changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That The Aransas Harbor Terminal Railway Company, a corporation chartered under the laws of the State of Texas, is hereby authorized and empowered to erect, construct, maintain, and operate a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Texas. Said bridge shall be constructed to provide for the passage of railway trains on and over a double or single track as said Aransas Harbor Terminal Railway Company may elect.

SEC. 2. That said bridge shall be constructed with a draw or turn of sufficient capacity to afford free passage to such vessels and boats as navigate said channel: *Provided*, That said bridge shall be opened promptly upon reasonable signal for the passage of boats and other water craft, except when trains are passing over the draw or turn; but in no case shall unnecessary delay occur in opening the draw or turn after the passage of trains or at any other time; and the said Aransas Harbor Terminal Railway Company shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the United States Light-House Board shall prescribe. And no bridge shall be erected and maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said channel; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the owner of said bridge. And in case of any obstruction, or alleged obstruction, to the navigation of said channel, caused, or alleged to be caused, by said bridge, the case may be brought in the circuit court of the United States in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of navigation of rivers, or to exempt this bridge from the operations of the same. That all railroad companies desiring the use of any bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge, and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 3. That any bridge authorized to be constructed under this act shall be located and built under and subject to such regulations for the security of said channel as the Secretary of War shall prescribe; and to secure that object, the said corporation shall, at least two months previous to the commencement of the construction of said bridge, submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving such information as may be necessary to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War.